

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION**

Israel Romero and Reina M.)	
Chavez-Romero,)	
)	C.A. No. 6:11-cv-00564-JMC
Appellants,)	
)	
v.)	ORDER
)	
)	
Coventry Credit Union,)	
)	
Appellee.)	
_____)	

Appellants Israel Romero and Reina M. Chavez-Romero filed a notice of appeal in their Bankruptcy Court case (B.R. No. 10-837-hb) on November 29, 2010. The Bankruptcy Court transferred the notice to this court and this appeal was opened on March 9, 2011. [Doc. 1]. The matter was submitted to initial review by a Magistrate as a *pro se* submission. The Magistrate Judge found that Appellants needed to pay the required Two Hundred Fifty-Five Dollar (\$255.00) filing fee or to submit individual motions for leave to proceed *in forma pauperis* and issued an order on March 17, 2011, granting Appellants twenty-one (21) days in which to pay the filing fee or submit the required motions [Doc. 10]. Appellants failed to respond to the order. On April 22, 2011, the Magistrate Judge entered his Report and Recommendation [Doc. 14], recommending that this matter be dismissed without prejudice for Appellants' failure to respond to the court's order and failure to prosecute the matter. The Report and Recommendation sets forth in detail the relevant facts and legal standards on this matter, and the court incorporates the Magistrate Judge's recommendation without a recitation.

The Magistrate Judge's Report and Recommendation is made in accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02 for the District of South Carolina. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270-71

(1976). The court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objections are made, and the court may accept, reject, or modify, in whole or in part, the Magistrate Judge's recommendation or recommit the matter with instructions. *See* 28 U.S.C. § 636(b)(1).

The parties were advised of their right to file objections to the Report and Recommendation [Doc. 14, at 3]. Appellants filed no objections to the Report and Recommendation.¹ However, Appellee Coventry Credit Union objected to the recommendation that the matter be dismissed without prejudice. Appellee requests that the court dismiss this matter with prejudice as the time to perfect appeal has passed.

After a thorough review of the Report and Recommendation and the record in this case, the court adopts the Magistrate Judge's Report and Recommendation with the modification that the matter be dismissed with prejudice, *see In re Ryan*, 350 B.R. 632, 635 (D.S.C. 2006), and incorporates it herein.

It is therefore **ORDERED** that this case be dismissed with prejudice.

IT IS SO ORDERED.



United States District Judge

Greenville, South Carolina
December 2, 2011

¹In the absence of objections to the Magistrate Judge's Report and Recommendation, this court is not required to provide an explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). Rather, "in the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must 'only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.'" *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee's note). Furthermore, failure to file specific written objections to the Report and Recommendation results in a party's waiver of the right to appeal from the judgment of the district court based upon such recommendation. 28 U.S.C. § 636(b)(1); *Thomas v. Arn*, 474 U.S. 140 (1985); *Wright v. Collins*, 766 F.2d 841 (4th Cir. 1985); *United States v. Schronce*, 727 F.2d 91 (4th Cir. 1984).